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9 SYNPEP CORPORATION and CHI YANG

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,
14 Plaintiff,
15 v.
16 SYNPEP CORPORATION and CHI YANG,
17 Defendants.

Case No.: CR06-0374 SBA

AMENDED STIPULATION AND
~~PROPOSED~~ ORDER FOR
CONTINUANCE AND EXCLUSION OF
TIME UNDER THE SPEEDY TRIAL ACT,
18 U.S.C. § 3161 ET SEQ.

18 In this proposed stipulated order, the parties jointly request that the Court continue the
19 status conference, currently set for April 24, 2007, to May 29, 2007.

20 At the last calling of the case, the government indicated to the Court that she would be in
21 trial until early April. The government's case, United States v. Jimmy Quan, et al., is still on-
22 going in this district before Judge Shubb (visiting from E.D. Cal.). The indicated end date of the
23 trial is now May 4, 2007.

24 The instant case involves allegations of laboratory fraud regarding the manufacture of
25 synthetic peptide proteins and is highly complex. The discovery in this case is enormous and
26 difficult to understand. For the past several months, both parties have continued examine the
27 evidence using experts in the manufacture of synthetic peptide proteins. On March 30, 2007, the
28 parties met to discuss the case and what each party had learned from their continuing review of
the discovery. At that meeting, the parties were able to narrow the issues involved in the case

1 considerably and also had discussion regarding settlement. Both parties agree that further
2 meetings after AUSA Geis is available would be highly productive and might settle the case.

3 AUSA Geis has indicated that she will need a few weeks after her trial ends to review the
4 file and evidence presented by the defense. The parties plan on having another meeting or series
5 of meetings in mid to late May.

6 Both the schedule and unavailability of AUSA Geis and the on-going discussions
7 between the parties warrant a short continuance of this case. Additionally, the parties will
8 continue to use the time to review evidence with peptide experts.

9 Therefore, for good cause shown, the status conference in the above-captioned matter
10 should be continued from April 24, 2007, until May 29, 2007 at 9:00 a.m. Defense counsel
11 contact the Court's clerk who indicated that the Court is currently available on May 29th.

12 Additionally, the Court should exclude the period from April 24, 2007, until May 29,
13 2007 under the Speedy Trial Act, 18 U.S.C. § 3161 et seq. The parties stipulate and agree that
14 the ends of justice served by the continuance requested herein outweigh the best interests of the
15 public and the defendant in a speedy trial because the failure to grant a continuance would
16 unreasonably deny adequate preparation of counsel in this case in which the Court has already
17 made a complexity finding. *See* 18 U.S.C. §§ 3161(h)(8)(A) and (B)(ii).

18 IT IS SO STIPULATED:

19 DATED: April 12, 2007

/s/: Edwin K. Prather
EDWIN K. PRATHER
Attorney for defendants SYNPEP
CORPORATION and CHI YANG

24 DATED: April 12, 2007

/s/: Stacey P. Geis
STACEY P. GEIS
Assistant United States Attorney

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~~PROPOSED~~ ORDER

Based on the reasons provided in the stipulation of the parties above, the Court FINDS that:

The unavailability and schedule of the government as well as the on-going discussions between the parties warrants a short continuance;

The Court has previously made a finding that this case is complex due to the nature of the subject matter, volume of discovery and nature of the prosecution; and

The ends of justice served by the continuance requested herein outweigh the best interests of the public and the defendant in a speedy trial and failure to deny counsel for the parties the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Based on these findings, IT IS HEREBY ORDERED THAT:

The status conference in the above-captioned matter shall be continued from April 24, 2007, until May 29, 2007 at 9:00 a.m. The period from April 24, 2007, until May 29, 2007 shall be excluded from the Speedy Trial Act, 18 U.S.C. § 3161 et seq., pursuant to 18 U.S.C. §§ 3161(h)(8)(A) and (B)(ii).

IT IS SO ORDERED.

DATED: 4/13/07


SAUNDRA B. ARMSTRONG
U.S. District Court Judge